



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

July 13, 2009

The Honorable Bob Burns
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: SB 1017; multiple sclerosis awareness special plates

Dear President Burns,

Today, I vetoed Senate Bill 1017 which would have created the Multiple Sclerosis Awareness special license plate and Fund, the Arizona Masonic Fraternity special license plate and Fund, the Hunger Relief special license plate and Fund and the Childhood Cancer Research special license plate and Fund.

I share the goals of the bill sponsor to create awareness and a funding source for these important causes. Unfortunately, this bill as amended contains a flaw that could easily have been fixed, but was not.

SB 1017 states that the funds accumulated from the childhood cancer research fund shall be allocated by the Department of Health Services director "as directed by the person or entity" who initiates the special plates process. This language is problematic because it allows a non-governmental entity the power to control the decisions of a state agency. Once these funds are deposited with a state agency, they become state funds and are subject to the restrictions of state law and procurement codes. The language may also violate Arizona's constitutional gift clause. Other special plate funds statutorily allow a state agency director to distribute the funds or require a director to distribute the funds to an organization with a 501c3 status.

It is important to note that this provision was originally proposed by Senator Pamela Gorman as SB 1374 license plates; childhood cancer research. The Department of Health Services and the Department's representative from the Attorney General's office found the provision and contacted the Senator's office to express concerns and offer amended language conforming the bill to other special plate funds. These communications occurred in February, yet no changes were made to this provision before it was adopted to SB 1017 in the last days of session.

For those and other reasons, I have vetoed SB 1017.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is fluid and cursive, with the first name "Janice" being the most prominent part.

Janice K. Brewer
Governor

Cc: The Honorable Kirk Adams
The Honorable Linda Gray
The Honorable Ken Bennett

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